IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 18155 of 1997

Between:

K. Prabhakar S/o. K. Shankaraiah, aged about 45 years, residing at H.No. 8-6-143, Kothirampoor, Karimnagar, Karimnagar Dist.

..... PETITIONER

AND

The Licencing Officer,(Transport Dept)
Karimnagar, Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Certiorari calling for the records and quash the Demand Notice issued by the respondent herein in R.No. 661/A3/1997, dt. 17-2-1997, demanding an amount of Rs. 37,650/- towards tax for the Q.E. 31-12-1996 and 31-3-1997 in respect of the petitioner's vehicle bearing Regd. No. AIF 1127, and pass such other order as may deem fit.

Counsel for the Petitioner:SMT.M.VINOBHA DEVI

Counsel for the Respondent : GP FOR TRANSPORT

The Court made the following O R D E R:

Heard learned counsel for the parties. The vehicle was seized on road and a demand was raised and confirmed with regard to tax of Rs.37,650/-. Penalty of Rs.19,050/- was also imposed.

This Court while entertaining the writ petition, released the vehicle on payment of Rs.17,000/- out of the tax amount. Since the vehicle was seized on road, without having paid the tax, we do not find any reason to interfere in the matter as far as tax component is concerned. Appeal is, however, provided as far as penalty is concerned. Therefore, we allow the petitioner to file an appeal within a period of four weeks from today with regard to penalty, provided petitioner pays the balance of tax within the said period.

With these observations, the writ petition is disposed of. No order as to costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

21.06.2004

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